

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES

SENTENCING

FILED
DISTRICT COURT OF GUAM
SEP - 6 2005 *fl*

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-04-00048-001

DATE: 09/06/2005

HON. S. JAMES OTERO, Designated Judge, Presiding
Official Court Reporter: Wanda Miles

Law Clerk: NONE PRESENT
Courtroom Deputy: Virginia T. Kilgore
CSO: B. Pereda

Hearing Electronically Recorded - 10:04:59 - 10:41:44

***** A P P E A R A N C E S *****

DEFT: JOANNAMARIE ALEJO TEJADA

ATTY : JACQUELINE T. TERLAJE

(X) PRESENT () CUSTODY () BOND (X) P.R.

(X) PRESENT () RETAINED () FPD (X) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: JOHN DUENAS, BUREAU OF IMMIGRATION &
CUSTOMS ENFORCEMENT

U.S. PROBATION: STEPHEN GUILLIOT

U.S. MARSHAL: W. GRAY

INTERPRETER: _____ () SWORN LANGUAGE: _____

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level: _____ Total offense level: 17 Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Defense counsel stated that the Defendant does not contest the 24 months sentence, however, she requested that a term of 12 months imprisonment be served in Hawaii and 12 months under house arrest in Guam. She further requested the Court to allow the Defendant to self-surrender at a later date.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

() GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

The Court adopted the findings and conclusions in the presentence investigation report. The Court GRANTED the Government's 5K1.1 motion. The Court DENIED Defense counsel's request to deviate from the 24 months imprisonment and stated its reasons. The Government moved to dismiss Count I. GRANTED. The Court ordered the Defendant to self-surrender on October 6, 2005 at 12 noon and to continue to abide by all the release conditions previously imposed.

- (X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 24 MONTHS. WHILE IMPRISONED, DEFENDANT SHALL PARTICIPATE IN SUBSTANCE ABUSE AND VOCATIONAL PROGRAMS APPROVED BY THE BUREAU OF PRISONS. DEFENDANT SHALL SELF-SURRENDER TO THE U.S. MARSHAL SERVICE IN GUAM ON OCTOBER 6, 2005 AT 12 NOON. IF DESIGNATION FAILS TO OCCUR THE DEFENDANT SHALL SELF-SURRENDER AS NOTIFIED BY THE U.S. MARSHAL SERVICE OR THE U.S. PROBATION OFFICE.
- (X) COURT RECOMMENDATION TO THE BUREAU OF PRISONS AT HAWAII.
- (X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF FIVE YEARS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL OBEY ALL FEDERAL, STATE AND LOCAL LAWS.
2. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. SENTENCING COMMISSION.
3. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
4. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES.
5. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
6. DEFENDANT SHALL REFRAIN FROM THE USE OF ANY AND ALL ALCOHOLIC BEVERAGES.
7. DEFENDANT SHALL SUBMIT ONE (1) URINALYSIS TEST WITHIN 15 DAYS OF RELEASE FROM CUSTODY AND, TO TWO MORE URINALYSIS WITHIN (60) DAYS THEREAFTER.
8. DEFENDANT SHALL PARTICIPATE IN A PROGRAM APPROVED BY THE U.S. PROBATION OFFICE FOR ASSESSMENT AND TREATMENT OF NARCOTIC ADDICTION OR DRUG OR ALCOHOL DEPENDENCY WHICH INCLUDE TESTING FOR THE DETECTION OF SUBSTANCE USE OR ABUSE. IT IS FURTHER RECOMMENDED THAT THE DEFENDANT MAKE A CO-PAYMENT FOR TREATMENT AT A RATE TO BE DETERMINED BY THE U.S. PROBATION OFFICE.
9. DEFENDANT SHALL OBTAIN AND MAINTAIN GAINFUL EMPLOYMENT.
10. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

PURSUANT TO SECTION 5E1.2(f) OF THE GUIDELINE RANGE, ALL FINES ARE WAIVED SINCE IT HAS BEEN DETERMINED THAT THE DEFENDANT DOES NOT HAVE THE ABILITY TO PAY.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HER APPEAL RIGHTS.